



ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX (510) 836-2185  
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**ADMINISTRATION & LEGISLATION COMMITTEE**

**MEETING NOTICE**

**Monday, July 11, 2005; 9:30 a.m.**

CMA Board Room  
1333 Broadway, Suite 220  
Oakland, California 94612

Members:

Chair: Councilmember Larry Reid  
Vice Chair: Supervisor Scott Haggerty  
Councilmember Jeff Wieler  
Mayor Shelia Young  
Mayor Robert Wasserman  
Mayor Janet Lockhart  
AC Transit Director Dolores Jaquez  
BART Director Thomas Blalock

Staff Liaison: Dennis Fay  
Secretary: Christina Muller

**AGENDA**

*“Copies of Individual Agenda Items are Available on the CMA’s Website”*

**1.0 PLEDGE OF ALLEGIANCE**

**2.0 PUBLIC COMMENT**

Members of the public may address the Committee during “Public Comment” on any item not on the agenda. Public comment on an agenda item will be heard when that item is before the Committee. Anyone wishing to comment should make his or her desire known to the Chair.

**3.0 MINUTES OF JUNE 13, 2005 MEETING\* (page 1)**

**Approval**

**4.0 ADMINISTRATIVE MATTERS**

**4.1 Federal, State and Local Funding:**

**Local and Small Business Policies\* (page 7)**

**Discussion/Action**

Federal, State and local funding sources are subject to various rules and restrictions regarding local business preferences and DBE goals. At the June committee meeting, legal counsel reviewed several options available to the CMA to encourage local contracting. Based on the Committee’s direction, a final proposal is attached for the Committee’s consideration. It is recommended that the Board approve the attached local business enterprise policy. The existing small business enterprise policy is also attached.

**4.2 Budget Variations: Line Items\* (page 15)**

**Discussion/Action**

At the June Board meeting questions were raised with regard to several line items included in the monthly financial reports. The attached material is an excerpt from the CMA Administrative Code indicating how variations from the annual budget are to be handled. In practice staff has reported on variations as part of the monthly financials and avoided frequent budget amendments. As the Board discussion highlighted, the Administrative Code section on this matter needs to be revisited. Staff will report further at the committee meeting.

**4.3 I-680 SMART Carpool Lane: Public Outreach Contract\* (page 17)**

**Discussion/Action**

The I-680 Smart Carpool Lane project is in the environmental and preliminary design phase. High Occupancy Toll lanes are a new concept in the Bay Area and input is needed from the public and stakeholders on the proposed design and operations of the Smart Lane. Staff is seeking consultant services for public outreach for open house meetings, stakeholder interviews and facilitation of Task Force meetings over the next eighteen months. The services will be funded with a combination of Measure B and federal funds. It is recommended that the Executive Director be authorized to execute agreements for consultant services for public outreach in an amount not to exceed \$150,000.

**4.4 International/Telegraph Rapid Bus Project:  
Award of Construction Contract\* (page 19)**

**Discussion/Action**

The bids are due on July 14<sup>th</sup> following the committee meeting. It is recommended that the Committee forward the following action items to the CMA Board:

1. Award the construction contract for the Broadway segment of the Telegraph/International Rapid Bus Corridor, to the lowest, responsible, responsive bidder.
2. Award the construction contract for the Telegraph Avenue segment of the Telegraph/International Rapid Bus Corridor, to the lowest, responsible, responsive bidder.
3. Authorize the Executive Director to execute all agreements related to these contracts.

**4.5 I-680 Sound Wall Project: Construction Status Report\* (page 21)**

**Discussion/Action**

The Administration and Legislation Committee is requested to review and accept the attached Construction Progress Report for the I-680 Soundwall Project.

**4.6 Telegraph/International Rapid Bus Corridor: AC Transit for Assistance with Additional Elements \*\***

**Discussion/Action**

AC Transit has requested CMA's assistance with several additional elements related to the implementation of the Telegraph/International Rapid Bus Corridor. CMA and AC Transit staffs are defining the scope and costs associated with the requested items. Staff will provide a report at the July Committee meeting, and any actions required.

**5.0 LEGISLATION/PUBLIC AFFAIRS**

**5.1 Sacramento Report\* (page 39)**

**Information/Discussion**

A report from the CMA's Sacramento representative is attached.

**5.2 Washington, DC Report\* (page 47)**

**Information/Discussion**

A report from the CMA's Washington, DC representative is attached.

## **6.0 STAFF AND COMMITTEE MEMBER REPORTS**

## **7.0 ADJOURNMENT/NEXT MEETING: MONDAY, SEPTEMBER 12, 2005**

- \* Attachment enclosed for members and key staff.
- \*\* Materials will be handed out at the meeting.
- (#) All items on the agenda are subject to action and/or change by the Committee.
- ✓ Materials are separately attached to the meeting packet.

*PLEASE DO NOT WEAR SCENTED PRODUCTS SO INDIVIDUALS WITH  
ENVIRONMENTAL SENSITIVITIES MAY ATTEND*

**ADMINISTRATION & LEGISLATION COMMITTEE**

MINUTES OF JUNE 13, 2005

OAKLAND, CA

Vice Chair Haggerty convened the meeting of the Administration & Legislation Committee at 9:30 am. The roster of attendance is attached.

**1.0 PLEDGE OF ALLEGIANCE**

**2.0 PUBLIC COMMENT**

There were no public comments.

**3.0 MINUTES OF MAY 9, 2005 MEETING**

A motion was made by Lockhart to approve the Minutes of May 9, 2005; a second was made by Blalock. The motion passed unanimously.

**4.0 ADMINISTRATIVE MATTERS**

**4.1 Contractor Outreach Program: Update on Activities**

Fay advised the Committee that the CMA has held or participated in several contractor outreach activities this fiscal year. In December 2004, the CMA conducted a pre-proposal outreach workshop. In February, the CMA hosted a booth at the Oakland Vendor Fair. This month the CMA will co-host a booth with ACTIA at the Western Region Disadvantaged Business Enterprise Economic Summit Conference. The CMA is also planning another contractor outreach event to inform contractors of upcoming opportunities in fiscal year 2005-06. Fay noted that the CMA uses local newspapers and its website to advise of contracting opportunities and provide information. The CMA also plans to use the contractor/vendor registry on our website to ensure timely communication to the contracting community.

**4.2 Federal, State and Local Funding: Local and Small Business Preferences**

Legal Counsel advised the Committee that Federal, State and local funding sources are subject to various rules and restrictions regarding local business preferences and DBE goals. At the May committee meeting, legal counsel reviewed these rules and restrictions. Legal Counsel reviewed the the options available to the CMA to encourage local contracting. Based on the Committee's direction, a final proposal will be prepared for future consideration. Legal Counsel reviewed a summary of the CMA's contracting over the last two years, highlighting the percentage of contracts awarded to Alameda County and East Bay firms. After a brief discussion the Committee request that this summary include geographical breakdown, definition of SBE/SLBE and bi-annual reporting.

#### **4.3 Congestion Management Program (CMP): Dynamic Ridesharing Pilot Project – Budget and Contract Amendment**

Stark advised the Committee that the CMA received a grant from the Federal Highway Administration (FHWA) to implement a dynamic ridesharing pilot project. On July 22, 2004, the Board approved a consultant budget of \$131,700, consisting of \$105,000 federal funds and a \$26,700 local match. Stark noted that the project has encountered several issues including coordinating with multiple agencies and transitioning the call center operations to a new operator. These issues have required a significant amount of effort to resolve. In order to implement the pilot project for six months, additional funding is needed. After a brief discussion a motion was made by Jaquez recommending that the Board approve an additional \$42,000 for consultant services for Phase 1 of the Dynamic Ridesharing pilot project, with a revised budget total of \$173,700; a second was made by Lockhart. The motion passed unanimously.

#### **4.4 Int'l/Telegraph Rapid Bus Project: Near Term Improvements**

Minoofar advised the Committee that AC Transit is planning to launch a preliminary phase of the Rapid Bus Operation by June 26, 2005. AC Transit has requested CMA to design and construct selected improvements by June 25, 2005. Minoofar noted that AC Transit has agreed to pay for all the design, construction and construction administration for the project. Staff requested bids for this work on May 13, 2005. Bids were received on June 3, 2005. After a brief discussion a motion was made by Jaquez to authorize CMA to award the contract for the Bus Stop Modifications on International Blvd near 34<sup>th</sup> Avenue to SIMCO Construction Inc., Oakland in the amount of \$87,700. The Engineers Estimate for the work is \$85,000; a second was made by Wieler. The motion passed unanimously.

#### **4.5 Int'l/Telegraph Rapid Bus Project: Amendment to Agreement with AC Transit for Additional Work**

Minoofar advised the Committee that AC Transit has requested a number of additional items as a part of the International-Telegraph Rapid Bus project. These items include on-board surveys, bus stop modifications, closed circuit TV, additional video image detection, and server data retrieval. Minoofar presented two action items. A motion was made by Jaquez recommending that the CMA Board: 1) Authorize the Executive Director to negotiate and execute an amendment to the agreement with AC Transit for these additional items, 2) Authorize the Executive Director to execute all necessary agreements with consultants and project partners for the activities related to these additional items; a second was made by Blalock. The motion passed unanimously.

#### **4.6 Transportation Fund for Clean Air (TFCA): TravelChoice Pilot Project**

O'Brien advised the Committee that the Transportation & Land Use Coalition (TALC) has asked the CMA to act as the official public agency sponsor for an application to the Air District for regional TFCA funds for a demonstration of the TravelChoice project. This pilot

project includes an individualized marketing campaign to find and target interested participants and identify personalized transportation options for households. After a brief discussion a motion was made by Jaquez recommending that the CMA authorize staff to submit an application to the Air District for this project and approve a resolution to accompany the application as required by Air District guidelines; a second was made by Wieler. The motion passed unanimously.

#### **4.7 Retiree Health Benefits: Status Report**

Fay advised the Committee that the present CMA policy and the contract with PERS provide that CMA employees become entitled to retiree health benefits when they otherwise qualify to retire under PERS. The minimum years of service for retirement are 5 years of service at a PERS agency. If service has been earned at another agency, but the employee retires from CMA, CMA is liable for payment of the health benefit. At the December 2004 committee meeting, staff and legal counsel presented several options for revising the CMA's retiree health benefits policy. The Committee requested actuarial data on the current policy and various alternatives. Fay noted legal counsel hired a consultant to undertake this analysis and has completed an evaluation for the current policy. An analysis of the cost of the alternatives should be complete by next month. This was for information only.

#### **4.8 Executive Director's FY 2004-05 Objectives: Status Report**

Fay advised the Committee that the agreement between the CMA and Executive Director requires annual objectives to be agreed upon at the beginning of the fiscal year. FY 2004-05 objectives were established in the summer 2004. Fay reviewed a report on the status of these objectives. This was for information only.

#### **4.9 Executive Director's Performance Objectives for Fiscal Year 2005-2006**

Fay advised the Committee that the employment agreement with the Executive Director requires annual objectives for the upcoming year. Fay reviewed the draft performance objectives for fiscal year 2005-2006 which includes: I-580 HOV Lane in Livermore Valley, East Bay SMART Corridor Program, Monitoring and tracking the projects, including State and Federal transportation programs, Managing the CMA Exchange Program and implementing the MTC funded T-Plus program in Alameda County. A motion was made by Blalock to forward the draft performance objectives for fiscal year 2005-2006 to the Board for action; a second was made by Wieler. The motion passed unanimously.

### **5.0 LEGISLATION/PUBLIC AFFAIRS**

#### **5.1 Sacramento Report**

Fay reviewed Lynn Suter's report dated June 3, 2005.

## **5.2 Washington, DC Report**

Fay reviewed Copeland, Lowery, Jaqcquez report dated June 3, 2005.

## **5.3 SB 172 (Torlakson): Bay Area Toll Bridge Financing**

A motion was made by Jaquez to support SB 172 (Torlakson); a second was made by Blalock. The motion passed unanimously.

## **5.4 AB 697 (Oropeza): Continuous Appropriations of Transportation Funds**

A motion was made by Lockhart to support AB 697 (Oropeza); a second was made by Blalock. The motion passed unanimously.

## **6.0 STAFF AND COMMITTEE MEMBER REPORTS**

Minoofar advised the Committee that the CMA is assisting AC Transit with the Int'l/Telegraph Rapid Bus Project. For Broadway the CMA only received 1 bid which was substantially higher than the engineers estimate. CMA rejected that one bid and has readvertised the project for construction. Bids are due on July 14, 2005.

Blalock expressed his interest in the Transit Oriented Development Workshop and encourage staff to continue their efforts networking with other agencies.

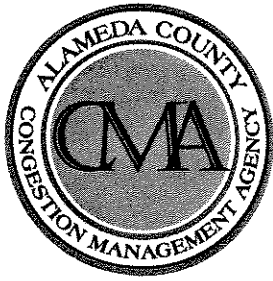
## **7.0 ADJOURNMENT/NEXT MEETING: MONDAY, JULY 11, 2005**

Vice Chair Haggerty adjourned the Committee until the July 11, 2005 meeting at 9:30 a.m. at the CMA office.

Attest By:



Christina Muller, Board Secretary



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CONGESTION MANAGEMENT AGENCY

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ADMINISTRATION & LEGISLATION COMMITTEE

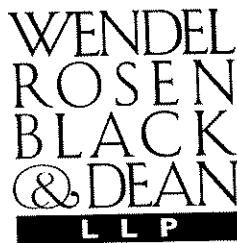
JUNE 13, 2005

ROSTER OF MEETING ATTENDANCE  
CMA OFFICE, OAKLAND, CALIFORNIA

NAME	JURISDICTION/ ORGANIZATION	PHONE #	E-MAIL
Christina Mullen	staff	510 836 2560	cmullen@accma.ca.gov
2. Zack Wasserman	WRBD	934-6600	zwasserman@earthlink.net
3. Neal A. Parish	WRBD	834-6600	NParish@pacbell.net
4. Delores Jorguez	AC Transit		
5. Scott Haggerty	ALAMEDA COUNTY		SCOTT.HAGGERTY@ACGOV.ORG
6. Tom Blalock	Bart	510-490-7565	
7. Janet Lockhart	Dublin		
8. Stefan Garcia	ACCMA Staff	510 836 2560	
9. CYRUS MINOOLAR	"		
10. Frank Furger	"		
11. Steve Hart	"		
12. Dennis Fay	"		
13. James O'Brien	ACCMA Project Monitoring	(510) 836-2560 ext 23	james@advancepdi.com
14. Jon Twichell	AC TRANSIT	891-4801	jtwichell@actransit.org
15. Joanne Parker	BART	510 287-4795	jparker@bart.gov
16. Pat Mossburg	Oak/Larry Reid	238-7573	pmossburg@oaklandnet.com
17. Jacki Taylor	ACCMA Project Monitoring	(510) 836-2560, ext. 20	projectmonitoring2@accma.ca.gov
18. Dawn Argue	Alt. Co. Bus #1	510-272-6691	dawn.argue@accma.org
19. Stuart Cohen	TALC	510-841-6681	stuart@transcoalition.org
20. Jeff Wielen	Riedmont		
21.			
22.			
23.			



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ATTORNEYS AT LAW

*Agenda Item 4.1*

*July 11, 2005*  
1111 Broadway, 24<sup>th</sup> Floor  
Oakland, CA 94607-4036

Post Office Box 2047  
Oakland, CA 94604-2047

Telephone: (510) 834-6600  
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zwasserman@wendel.com

## MEMORANDUM

July 5, 2005

**TO:** CMA Administration/Legislation Committee  
**FROM:** R. Zachary Wasserman  
**RE:** Local Business Enterprise Policy

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At the June Board Meeting, the CMA Board referred the issue of adoption of a Local Business Enterprise Policy to this Committee. Attached is a draft LBE Policy. This Policy encourages utilization of Alameda County businesses but does not require specific goals for CMA or specific contracts. It does require businesses contracting with CMA to provide information about their use of LBEs. It also provides a detailed definition of LBEs – primarily based on the existence of evidence that the business has conducted real business in Alameda County for at least one year prior to the award of a CMA contract.

Also attached for reference is a copy of the current Small Business Enterprise Policy.

**Action:** We recommend that the Committee approve the LBE Policy recommend that the Board adopt the Policy.

pq

## **ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**

### **LOCAL BUSINESS ENTERPRISE POLICY**

#### **I. PURPOSE OF LBE POLICY**

It is the policy of the Alameda County Congestion Management Agency ("CMA") to encourage businesses to locate and remain in Alameda County, to employ residents of Alameda County and to spend CMA funds for goods and services within the County. The tax and grant revenue received by the CMA are derived from local sources and/or intended to benefit the transportation system in Alameda County. In order to promote and facilitate full participation in by qualified local business enterprises and to ensure that a fair proportion of the contracts or subcontracts and contracts for the provisions of goods and professional services for CMA be placed with these enterprises, CMA hereby adopts a Local Business Enterprise Policy ("LBE Policy"). A Local Business Enterprise ("LBE") is a business based in Alameda County that meets the criteria stated in Section II.A. below.

#### **II. STATEMENT OF LBE POLICY**

CMA shall encourage the utilization of Prime Contractors that are LBEs on all contracts over \$25,000. CMA shall encourage all Prime Contractors to utilize qualified LBE Subcontractors on CMA projects. CMA shall promote the direct purchase of goods from qualified LBEs by utilizing LBE vendors when such vendors are available and the price of the goods sought is reasonable. For professional services contracts, CMA shall seek the utilization of qualified LBEs when such LBEs are available.

**A.** For purposes of this LBE Policy, an LBE shall be an economically independent and continuing business which is located within Alameda County and which can establish each of the following criteria:

- 1.** The business must be located at a fixed address which constitutes a business location and where administrative, clerical, professional or productive work is being performed, relative to its contracts, and not a temporary or movable office, a post office box or a telephone answering service;
- 2.** If the business has an office outside of Alameda County as well as an office within Alameda County, the office within Alameda County must be staffed with someone in the employ of the business with the exception of small businesses with fewer than five employees. For these small businesses, the office within Alameda County must occupy space which is exclusive for operating the business;
- 3.** The location of the business must have been within Alameda County for at least one (1) year prior to the contract award date;

4. The business must have a valid business license or tax certificate from its respective city or Alameda County dated at least one (1) year prior to the contract award date;

5. The business must have proof of one or more past or current contracts citing the business address (such as contracts to perform work, to rent space or equipment, or for other business services) that evidences the applicant's address in Alameda County at least one (1) year prior to the expected award date;

6. The business shall be considered bona fide if the business' ownership interests are real and continuing and not created merely for the purpose of meeting the objectives of CMA's LBE Program; and

7. The business may not act as a passive conduit without contributing an added value or actual portion of the work awarded.

B. This LBE Policy is neutral as to race, ethnicity, national origin, age, sex, religion, sexual orientation and other protected classes. In the event that this LBE Policy conflicts with federal, State or other funding source's programs, policies, regulations or requirements, CMA shall make this LBE policy consistent as to projects funded by said funding source's programs, policies, regulations and requirements to the extent permissible by law.

### III. OUTREACH EFFORTS

CMA will utilize a range of outreach efforts to Local Business Enterprises, including but not limited to:

A. Sponsoring and participating in workshops describing CMA, its LBE policy and its upcoming projects.

B. Developing, maintaining and making available to potential contractors lists of LBE firms that have expressed interest in CMA projects.

### IV. REPORTING PARTICIPATION

Pursuant to CMA's LBE Policy, all entities contracting with CMA shall report LBE participation to CMA in the form attached hereto as **Exhibit A**. If an entity does not utilize an LBE on a CMA project, that entity shall report to CMA that no LBE was utilized and the reasons an LBE could not be utilized. Such reports shall be prepared by the reporting entity on an annual basis (if the contract exceeds one year) or at the completion of the contract term (if less than one year).

**EXHIBIT A  
LBE PARTICIPATION REPORT**

**Name of Contractor** \_\_\_\_\_

<b>Project Name</b>		<b>Contract Amount</b>	<b>Name, Address and Phone Number of all LBE Firms Participating on this Project (Source of LBE Certification if available)</b>	<b>Percentage and Dollar Value of LBE Project Participation</b>	<b>Nature of Participation</b>
<b>1.</b>					
<b>2.</b>					
<b>3.</b>					
<b>4.</b>					

## **ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**

### **SMALL BUSINESS ENTERPRISE POLICY**

#### **I. PURPOSE OF SBE POLICY**

The Alameda County Congestion Management Agency (“CMA”) recognizes the difficulties small business enterprises may encounter when competing against larger more established businesses for construction, purchasing and professional services contracts. CMA is concerned with the under utilization of small business enterprises in CMA contracts. In an effort to promote and facilitate full participation in our free competitive enterprise system by qualified small business enterprises and to ensure that a fair proportion of the contracts or subcontracts and contracts for the provisions of goods and professional services for CMA be placed with these enterprises, CMA hereby adopts a Small Business Enterprise Policy (“SBE Policy”).

#### **II. STATEMENT OF SBE POLICY**

CMA shall encourage all Prime Contractors to utilize qualified SBE Subcontractors on CMA projects. CMA shall promote the direct purchase of goods from qualified SBEs by utilizing SBE vendors when such vendors are available and the price of the goods sought is reasonable. For professional services contracts, CMA shall seek the utilization of qualified SBEs when such SBEs are available.

For purposes of this SBE Policy, an SBE shall be a “small business” within the meaning of 13 CFR Part 121 and California Government Code Section 14837. In the event that this SBE Policy conflicts with federal, State or other funding source’s programs, policies, regulations or requirements, CMA shall make this SBE Policy consistent with said funding source’s programs, policies, regulations and requirements to the extent permissible by law. This SBE Policy is neutral as to race, ethnicity, national origin, age, sex, religion, sexual orientation and other protected classes.

#### **III. REPORTING PARTICIPATION**

Pursuant to CMA’s SBE Policy, all entities contracting with CMA shall report SBE project participation to CMA in the form attached hereto as **Exhibit A**. If an entity does not utilize an SBE on a CMA project, that entity shall report to CMA that no SBE was utilized and the reasons an SBE could not be utilized. Such reports shall be prepared by the reporting entity on an annual basis (if the contract exceeds one year) or at the completion of the contract term (if less than one year).

**EXHIBIT A  
SBE PARTICIPATION REPORT**

Name of Contractor \_\_\_\_\_

Project Name	Contract Amount	Name, Address and Phone Number of all SBE Firms Participating on this Project (Source of SBE Certification if available)	Percentage and Dollar Value of SBE Project Participation	Nature of Participation
1.				
2.				
3.				
4.				

**Cal. Gov. Code §14837.**

(d) (1) "Small business" means an independently owned and operated business, which is not dominant in its field of operation, the principal office of which is located in California, the officers of which are domiciled in California, and which, together with affiliates, has 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or is a manufacturer, as defined in subdivision (c), with 100 or fewer employees.

**13 CFR Part 121/201**

These regulations set the standards for eligibility based on Size Standards by SIC Industry. They are available on line at <http://www.sba.gov/library/cfrs/13cfr121.pdf> or from CMA.



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**4.0 Annual Budget.** Pursuant to the JPA, the CMA Board shall adopt by April 1 of each year a budget for the succeeding fiscal year setting forth all administrative, operational and capital expenses for the CMA, together with the apportionment of such expenses by levy against each city and the county. The fiscal year shall be July 1 to June 30. The CMA shall notify and provide a copy of the proposed budget to each city and the county thirty (30) days prior to the adoption of the budget.

**5.0 Funds, Audit and Accounting .**

a. Treasurer. The functions of Treasurer shall be performed for the CMA under supervision of the Executive Director by a person or entity designated by the Executive Director and approved by the CMA Board. The CMA Board, by a majority of the authorized vote, may direct the Treasurer regarding the manner of short-term investment of any CMA funds on a fully secured basis consistent with the practices of state and local agencies for short-term investment of public funds. The Treasurer will invest CMA funds in the State of California's Local Agency Investment Fund, unless otherwise directed by the CMA Board. In accordance with section 6505.5 of the Government Code, the Treasurer shall verify and report in writing to the CMA and to the contracting parties to the JPA the amount of money the Treasurer holds for the CMA, the amount of receipts and the amount paid out since the last report to the CMA.

b. Auditor. The functions of Auditor shall be performed for the CMA under supervision of the Executive Director by a person or entity designated by the Executive Director and approved by the CMA Board. The Auditor shall draw warrants to pay demands against the CMA when the demands have been approved by the CMA or by a person authorized by the CMA to so approve. The Executive Director or his/her designee shall sign all warrants and shall provide a monthly report to the Board summarizing all warrants issued during the previous month. There shall be strict accountability of all funds and the Auditor will report to the CMA Board all receipts and disbursements. The Executive Director will retain the services of a bookkeeper to provide an account of all financial transactions, consistent with generally accepted accounting practice.

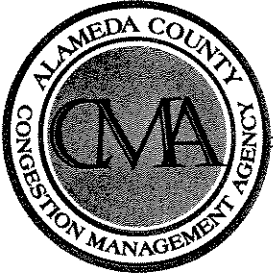
c. Annual Audit. The Executive Director will contract for an independent audit of the accounts and records at least annually as prescribed by section 6505 of the Government Code. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under section 26909 of the Government Code and the audit shall conform to generally accepted auditing standards.

d. Contracts. After the CMA has signed a contract, the Executive Director or Deputy Director may approve progress payments to the Contractor. Payments may be made only upon completion of a CMA staff review for compliance with contract provisions. The CMA Board delegates to the Executive Director authority to execute professional service contracts in an amount not exceeding \$25,000, if: (1) such contracts for services do not exceed the amount identified for the professional services line item in the approved annual budget; (2) the Executive Director provides a written report identifying the selected contractor and the process used for selection at the next regularly scheduled meeting of the CMA Board; and (3) the proposals are solicited from qualified contractors and selection criteria includes, but is not limited to, merit, quality of proposal and cost.

It is the policy of the CMA that disadvantaged business enterprises (DBEs), as defined in 49 CFR Part 26, shall have the maximum opportunity to participate in the performance of contract work in the manner provided for in 49 CFR part 26 for agencies receiving funds from the federal Department of Transportation. Contractors to the CMA shall not discriminate on the basis of race, color, national origin, or sex in the performance of CMA contracts. The Executive Director will establish a DBE goal for each contract solicitation which is consistent with an overall DBE goal established by the CMA Board.

e. Purchases. The CMA Board will pre-approve expenditures, except as provided above for professional services, in excess of \$5000 per month, per vendor. The CMA Board delegates to the Executive Director the approval of expenditures up to \$5000 per month, per vendor, which do not exceed the line item in the approved annual budget. The Executive Director may establish petty cash in an amount not to exceed \$200. This fund may be used only for minor incidental or emergency purchases.

f. Line Item Expenditures. Notwithstanding the line item expenditure limitations of sections 5.d and 5.e, the Executive Director may authorize the expenditure of funds that exceeds the approved line item amount in the adopted annual budget by \$5000 or 5% of the line item, whichever is greater, provided that sufficient CMA funds are available in the general reserve line item. Such additional expenditures shall not exceed a total of \$10,000 annually and shall be considered in the next update of the annual budget.



# ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

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E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

July 11, 2005  
Agenda Item 4.3

## Memorandum

**Date:** June 29, 2005  
**To:** Administration and Legislation Committee  
**From:** Jean Hart, Deputy Director *JH*  
**Subject:** I-680 Smart Carpool Lane: Public Outreach

### Action Requested

The I-680 Smart Carpool Lane project is in the environmental and preliminary design phase. High Occupancy Toll lanes are a new concept in the Bay Area and input is needed from the public and stakeholders on the proposed design and operations of the Smart Lane. Staff is seeking consultant services for public outreach for open house meetings, stakeholder interviews and facilitation of Task Force meetings over the next eighteen months. The services will be funded with a combination of Measure B and federal funds. It is recommended that the Executive Director be authorized to execute agreements for consultant services for public outreach in an amount not to exceed \$150,000.

### Next Steps

The Committee's recommendation will be forwarded to the Board for action in July. Representatives from ACTIA, VTA, MTC and Caltrans will be invited to participate in the selection of the consultant.

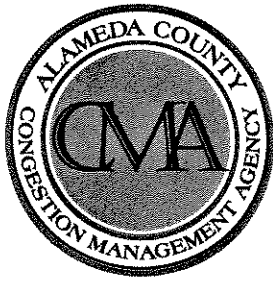
### Discussion

The I-680 HOT Lane Feasibility Study, completed in 2004, included input from focus groups, a public opinion poll, and numerous meetings with various stakeholders including business organizations, environmental groups, elected officials at all levels of government, and MTC and other public agencies. The reaction to the project has been favorable thus far.

The project has progressed to environmental and preliminary design phase and additional public outreach is needed. It appears that Caltrans and FHWA will determine that a Categorical Exemption/Exclusion is appropriate. Although a public meeting is not required, both agencies have recommended that we hold a public information meeting. In addition, staff would like to continue earlier efforts to interview Stakeholders and form a

Task Force to provide input on the design and operation of the Smart Lane. The results of the public outreach and stakeholder interviews will be provided to the I-680 Smart Carpool Lane Policy Advisory Committee. In addition, the consultant will be asked to assist in the development of a scope of work for public education and marketing of the Smart Lane. A separate RFP will be issued for those services.

The public meetings and stakeholder/task force services are expected to extend over the next 18 months. The consultant services will be funded by a combination of Measure B and federal funds. It is recommended that the Executive Director be authorized to execute agreements for consultant services for public outreach in an amount not to exceed \$150,000.



# ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185  
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*Agenda Item 4.4  
July 11, 2005*

## Memorandum

**DATE:** July 1, 2005

**TO:** Administration and Legislation Committee

**FROM:** <sup>CM</sup> Cyrus Minoofar, Principal Transportation Engineer

**SUBJECT:** Telegraph/International Rapid Bus Corridor - Authorization to Award the construction contracts for the Broadway and Telegraph Avenue

### Action Requested:

The bids are due on July 14<sup>th</sup> following the committee meeting. It is recommended that the Committee forward the following action items to the CMA Board:

1. Award the construction contract for the Broadway segment of the Telegraph/International Rapid Bus Corridor, to the lowest, responsible, responsive bidder.
2. Award the construction contract for the Telegraph Avenue segment of the Telegraph/International Rapid Bus Corridor, to the lowest, responsible, responsive bidder.
3. Authorize the Executive Director to execute all agreements related to these contracts.

### Discussion:

The Alameda County CMA, with association with AC Transit, have secured a total of \$16,105,425 in Measure B, Regional Measure 2, Federal, TFCA, and STIP funds to plan, design and deploy the E. 14<sup>th</sup> Street/International Blvd/Telegraph Avenue Rapid Bus program. The project extends from Bayfair Mall to the University of California at Berkeley Campus.

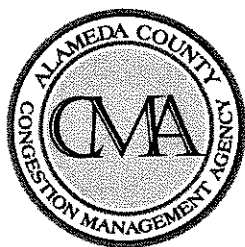
The CMA Board on September 23, 2004, and October 28, 2004 authorized the Executive Director to negotiate and execute an agreement with AC Transit for the E. 14<sup>th</sup> /Telegraph/ International Rapid Bus Corridor implementation, and to execute consultant contracts to start project delivery activities for the Rapid Bus program. On March 24, 2005, the CMA Board authorized the Executive Director to issue a series of Request for Bids for equipment procurement and construction elements of the project. CMA and AC Transit's goal is to deliver the Transit Signal Priority elements of the project by June 26, 2006.

On June 7, 2005, the CMA Board authorized the award of the "Controller Cabinet and 34<sup>th</sup> Avenue Bus Stop Improvements.

The bids for the Broadway and Telegraph Avenue are due on July 14, 2005. In order to meet the accelerated schedule required for the delivery of the Rapid Bus Program by June 26, 2006, it is necessary to award the Broadway and Telegraph construction packages at the July 28<sup>th</sup> Board meeting. Since the bids are due after the Administration and Legislation Committee meeting, the staff will analyze the bids and will report the results of the bids to the CMA Board on July 28, 2005 for the award of the contracts.

The Engineer's Estimate for the Broadway Project is \$540,000. The Engineer's Estimate for the Telegraph Avenue Project is \$4,600,000.

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**Memorandum**

*July 11, 2005  
Agenda Item 4.5*

**DATE:** July 1, 2005  
**TO:** Administration and Legislation Committee  
**FROM:** Matt Todd, Senior Transportation Engineer  
**RE:** I-680 Soundwall Project:  
Construction Status Report

**Action Requested**

The Administration and Legislation Committee is requested to review and accept the attached Construction Progress Report for the I-680 Soundwall Project.

**Discussion**

The I-680 Soundwall Construction Contract was started on April 28, 2004. The current project schedule calls for the original project and the additional scope of work of the Milpitas Extension wall in August. To date, the project masonry subcontractor has not provided the two-crews that were planned on the project. The failure to provide a second crew could cause the project to go into liquidated damages and delay the actual completion to mid-September. CMA staff will provide quarterly status updates on the project through the remainder of the contract.



# I-680 Soundwall Project Construction Contract Progress Report

**June 30, 2005**

<b>Percent Complete:</b>	<u>81 % (As of June 30, 2005)</u>
<b>Time Elapsed:</b>	<u>81 % (As of June 30, 2005)</u>
<b>Estimated Date of Completion:</b>	<u>August 25, 2005</u>

## **Project Description**

This project consists of constructing 10-foot to 16-foot soundwalls along the I-680 corridor within Fremont and Milpitas city limits. This project is one of the components of the overall I-680 Corridor Improvements. This project involves the construction of twelve (12) soundwalls within this vicinity which will be masonry-block walls on top of either pile caps or retaining wall spread footings.

## **Summary Status**

The notice to proceed was sent to the contractor on April 13, 2004 and the contract was started on April 28, 2004. The contractor has mobilized and started work on a majority of the walls that will be constructed with this contract. The contract was initially scheduled to be completed in mid April 2005. Due to the inclement weather this winter, we have experienced 53 non-work days. An additional 18 days have been added to the contract by change order. The original contract work is scheduled to be completed in mid July. The addition of a new wall segment in Milpitas added 24 days of work as well. The additional wall is scheduled to be completed in late August 2005. To date, the masonry subcontractor has not provided the two-crews that were planned on the project. The failure to provide a second crew could cause the project to go into liquidated damages and delay the actual completion to mid-September.

## **Construction Status**

Listed in the following table is the status of each soundwall and what has happened in the last month, and what is planned to happen in the next month.

<u>Location/Description of Work this Past Month</u>	<u>Upcoming Work this Next Month</u>
<b><u>General:</u></b>	
1. Maintain Summer Storm Water Pollution Prevention Plan (SWPPP) protection measures around the jobsite, including construction entrances and concrete washouts.	1. Maintain SWPPP measures.
<b><u>Soundwall SB-1 (Milpitas):</u></b>	
1. Most of the masonry block is completed.	1. Estimate to complete the masonry block on this wall in about one week. After that, will grade the area and work on preparing the back of the wall to connect the resident fences.

<u><i>Soundwall SB-2 A &amp; B (Milpitas):</i></u>	
1. SB-2A: Drainage in front of the wall (freeway side) is mostly complete.	1. SB-2A: Have already started to stack masonry block. Will start placing block at this location next week.
2. SB-2B: Wall is complete except for the installation of the access doors.	2. SB-2B: Final punch-list items need to be completed before final acceptance of this wall.
<u><i>Soundwall SB-2 B Extension:</i></u>	
1. Cast in drilled hole (CIDH) piles and pile cap are complete.	1. Start placing block in about two weeks.
<u><i>Soundwall SB-3 (Fremont):</i></u>	
1. Hetch-Hetchy grade beam is complete.	1. Complete drainage next week.
2. CIDH piles are complete.	2. Finish excavation of footing and place rebar for retaining walls.
<u><i>Soundwall SB-4 (Fremont):</i></u>	
1. SB-4A: Most of the CIDH piles have been completed.	1. SB-4A: Place barrier rail in preparation for block.
2. SB-4B: Retaining wall at 4B has been backfilled.	2. SB-4B: After some minor grading, the area will be ready for masonry block.
<u><i>Soundwall SB-5 (Fremont):</i></u>	
1. Masonry block is complete and resident fences have been connected to the new soundwall.	1. Finish the final grading by hand in the backyards when the area dries out. Probably will be done in the next couple weeks.
<u><i>Soundwall NB-8 A &amp; B (Fremont):</i></u>	
1. NB-8A: The forming and pouring of the retaining wall has been completed.	1. NB-8A: Backfill in the next two weeks and prepare for barrier rail construction.
2. NB-8B: Masonry block complete except for the last three homes at the south-end due to the construction of the retaining wall at NB-8A is in the way.	2. NB-8B: Clean-up back of wall and prepare for connect of resident fences to the new soundwall. This should happen within the next two weeks.
<u><i>Soundwall NB-14 A &amp; B (Fremont):</i></u>	
1. NB-14A: Bottom 7 courses of the wall have been done and the backfilling on the resident's-side of the wall is complete.	1. NB-14A: Start masonry block again end of July.
2. NB-14B: Backfilling retaining wall at NB-14B is complete and concrete barrier on the retaining wall is almost complete as well. The grade beam over the Hetch-Hetchy lines is complete.	2. NB-14B: Start placing masonry block when SB-2A/B is complete.

## Financial Status

This section of the report include a review of the project construction budget as well as a review of the overall status of the Contract Change orders (CCOs).

### *Budget and Expenditure Summary*

Listed below, is the general information on the latest Engineer's Estimate and the construction amounts to date:

	Est Ending	Monthly Payments		Retentions By		MOH Paid Each		INVOICED	Net	Percent Complete	Percent Time
		(Gross)		Month		Month		Paid Each Month (- Retention)			
Estimate No. 1:	April '04	\$	119,959.00	\$	11,995.90	\$	-	\$	107,963.10	1.1%	0.8% ✓
Estimate No. 2:	May '04	\$	889,117.95	\$	38,911.80	\$	36,246.00	\$	886,452.15	8.4%	9.6% ✓
Estimate No. 3:	June '04	\$	1,096,850.70	\$	84,685.07	\$	153,704.79	\$	1,129,624.42	20.1%	18.3% ✓
Estimate No. 4:	Jul '04	\$	791,827.87	\$	79,182.79	\$	107,604.12	\$	666,544.41	28.0%	27.0% ✓
Estimate No. 5:	Aug '04	\$	635,134.54	\$	63,513.45	\$	136,350.24	\$	600,367.21	34.0%	37.0% ✓
Estimate No. 6:	Sept '04	\$	668,884.92	\$	66,888.49	\$	164,666.15	\$	630,312.34	40.1%	44.0% ✓
Estimate No. 7:	Oct '04	\$	571,466.18	\$	57,146.62	\$	200,751.65	\$	550,405.06	45.6%	50.4% ✓
Estimate No. 8:	Nov '04	\$	959,593.17	\$	70,959.32	\$	289,472.75	\$	977,354.95	54.7%	56.5% ✓
Estimate No. 9:	Dec '04	\$	428,970.57	\$	42,897.06	\$	289,472.75	\$	386,073.51	58.8%	63.3% ✓
Estimate No. 10:	Jan '05	\$	193,150.61	\$	19,315.06	\$	289,472.75	\$	173,835.55	60.6%	65.7% ✓
Estimate No. 11:	Feb '05	\$	159,859.00	\$	15,985.90	\$	301,902.35	\$	156,302.70	62.1%	70.0% ✓
Estimate No. 12:	Mar '05	\$	200,261.53	\$	20,026.15	\$	159,722.00	\$	38,055.03	64.0%	75.0% ✓
Estimate No. 13:	April '05	\$	528,028.40	\$	52,802.84	\$	159,002.61	\$	474,505.56	69.1%	72.0% ✓
Estimate No. 14:	May '05	\$	629,000.21	\$	62,900.02	\$	169,093.02	\$	576,190.60	75.1%	76.0% ✓
Estimate No. 15:	June '05	\$	643,275.57	\$	64,327.56	\$	169,093.02	\$	578,948.01	81.2%	81.0%
Estimate No. 16:	July '05										
Estimate No. 17:	Aug '05										
Estimate No. 18:	Sept '05										
Totals To-Date:		\$	8,515,380.22	\$	751,538.03			\$	7,932,934.60		
Total of Contract Items (Gross):									\$	10,251,836.00	
Total of Approved CCO's To-Date:									\$	233,724.61	
Total of Project (Approved) To-Date:									\$	10,485,560.61	
Monthly Payments (Gross) To-Date:									\$	8,515,380.22	
Percent Complete:										81.2%	

**Note:** Percent time complete DOES include additional days for CCO's 9 & 23 (total 34 days).

Shown below are the item and change order costs to-date, which includes anticipated change order amounts.

Projected Final Amount on Items:	\$	10,251,836.00	
CCO's Approved *	\$	981,470.14	Includes all CCO's except for the ones shown below up through CCO 36.
CCO's (Tentative)*	\$	<u>33,941.65</u>	Includes tentative CCO's 18, 24, 28, 29, 38 & 39.
CCO Total	\$	1,015,411.79	

\* = Includes Soundwall SB-2B Extension.

### Contract Change Orders (CCO's)

A typical project will include some change orders for a variety of reasons, which includes potentially adding scope, encountering differing site conditions as well as anticipated changes like rodent abatement and additional wall removal.

Detailed below are the current change orders and their status.

CCO	Description	Type of Work	CCO Amount	CCO Status	Time Adjustment
1	Maintain Traffic, Flagging, Signs	EWFA	\$ 15,000.00	In System	None
2	Partnering	EWFA	\$ 7,000.00	In System	None
3	Adjust Caltrans SWPPP	LS	\$ -	In System	None
4	Change Pile Sizes – 356 mm to 400 mm COST ESTIMATED	ITEM	\$ (92,930.65)	In System	None
5	Additional Clear and Grub, Buried Man-Made Objects	EWFA	\$ 30,000.00	In System	Deferred
5s1	Additional Funding for CCO 5	EWFA	\$ 19,000.00	In System	
6	Monitoring Nesting Birds	EWFA	\$ 20,000.00	In System	None
7	Additional Irrigation Repair	EWFA	\$ 6,000.00	In System	None
8	Change A706 to A615 steel.	EWFA	0.00	In System	None
9	Raise Soundwall NB-8B PGL	ITEM, EWLS	\$ 21,250.00	In System	10 Days
10	Remove Guard Rail at SB-2A	EWFA	\$ 8,000.00	In System	None
11	Additional Clearing at SB-3	EWFA	\$ 20,000.00	In System	None
12	Pothole Utilities at SB-2 Extension	EWFA	\$ 10,000.00	In System	None
13	Adjust Temp Fence Item	ITEM	\$ 46,553.00	In System	None
14	Additional work in TCE's	EWFA	\$ 20,000.00	In System	None
15	Pothole gas line at SB-2B	EWFA	\$ 5,000.00	In System	None
16	Replace Olive Trees	EWFA	\$ 24,338.25	Sent to RGW	None
17	Construct Temp Culvert at SB-3	EWLS	\$ 2,955.96	In System	None
18	Remove Resident's Block Wall at NB-8B	ITEM, EWFA	\$ (2,800.00)	Sent to RGW	None
19	Shut-down SB-4B Power Lines	EWLS	\$ 6,133.38	In System	None
20	Additional Electrical Work	EWFA	\$ 3,000.00	In System	None
21	Hand-Form Part of SB-4B	EWLS	\$ 48,088.92	In System	None
22	Pothole at SB-1	EWFA	\$ 6,000.00	In System	None
23a	Soundwall SB-2 Extension (RGW portion)	w/RGW	\$ 523,455.31	In System	24 Days
23b	Soundwall SB-2 Extension (Design portion)	EWLS max	\$ 41,560.00	In System	None
23c	Soundwall SB-2 Extension (CM portion)	EWLS max	\$ 67,543.22	In System	None
24	SB-4A Detour (Cost Estimated)	Discussing	\$ 18,015.65	Pending	None
25	Vargas Stockpile Site	No Cost	0.00	In System	None
26	Wood Chipping Site	No Cost	0.00	In System	None
27	PCC Crushing Site	No Cost	0.00	In System	None
28	Extend Grade Beam at SB-3 (Estimated)	Discussing	\$ 5,000.00	Need price from RGW	None
29	Fire Hose Openings	Need Cost	\$ 3,726.00	Pending	None
30	400mm Wire Revision	EWLS	\$ 43,267.35	In System	None
31	Repair Pipe Casing (Cost Estimated)	EWLS	\$ 2,457.17	In System	None
32	Adjust K-rail NB-8A	EWLS	\$ 5,798.23	In System	None
33	Additional SWPPP Construction Entrances	Item	\$ 21,000.00	In System	None
34	Drainage Modification at NB-14A - cleanup	EWFA	\$ 14,000.00	In System	None
34s1	NB-14A Drainage Modification - final design	EWLS			
35	Backfill Homeowner's Properties	EWFA	\$ 30,000.00	In System	None
36	Install crane pads along NB-8A	EWLS	\$ 7,000.00	In System	Deferred
37	Revise Piles over ACWD at SB-4B	EWLS		Obtaining Costs	
38	Minor Drainage Modifications	EWFA	\$ 5,000.00	Writing Draft	None
39	Modify Stirrups for Type 32 Light Standards	EWFA	\$ 5,000.00	Writing Draft	None
			\$ 1,015,411.79		
	= New update this month.				

**Description of each change order:**

**CCO 1: Maintain Traffic, additional Signing, \$15,000, no adjustment to time.**

This is a general CCO that is written on every project to take care of any additional traffic signage and traffic control device as required by the Engineer during the life of the project.

**CCO 2: Partnering, \$7,000.00, no adjustment to time.**

This is the Partnering CCO for the project, where all parties will be involved. The cost of the Partnering is split between the Agency and the Contractor.

**CCO 3: Adjust Caltrans SWPPP, No Cost CCO, no adjustment to time.**

The special provisions inadvertently omitted reference to the CAS00003 SWPPP Permit. This CCO inserts the reference of this specification into the contract at no cost or time.

**CCO 4: Pile Change, \$92,930.65 (savings), no adjustment to time.**

To help look for reducing costs on the project, the designer was able to change the 356 mm piles to 400 mm piles, which were actually at a lower price. After calculating the net savings for the change in pile, and adding in the costs for the additional steel required for the larger piles, the net change is a SAVINGS of \$92,930.65.

**CCO 5: Additional Clearing and Grubbing, \$49,000, time deferred.**

During field observations, it has been determined that there are some trees that have to be removed that were not accounted for in the plans. Currently, this would include some trees that are behind the existing wall along the birm at SB-2B. The tree roots and main branches are in the way of the new wall. This CCO will also take care of any additional trees that have been determined need to be removed for safety reasons located along the State R/W fence. We also have encountered some PCC that needs to be removed next to the SB-2B. This will be removed under this change order. Because the amount of work is exceeding the original cost of the change order, and additional \$19,000.00 was written as a supplement to cover this work, for a total of \$49,000.00.

**CCO 6: Monitoring Nesting Birds, \$20,000, no adjustment to time.**

Per Caltrans direction, a biologist was brought on board to facilitate migratory nesting bird monitoring training and to provide the initial inspection for migratory bird nests. To date, it appears that we are finished with this change order, for the clearing is almost complete, and will be complete before the migratory season begins.

**CCO 7: Additional Irrigation Repair, \$6,000.00, no adjustment to time.**

In the drafting stage, the Special Provisions require that contractor test the existing irrigation lines before they enter the construction site. If it is found that some of the existing irrigation has been damaged prior to the contractor entering the site, then it will be at Caltrans' discretion on what to repair. Per the specifications, this initial repair would be at EWFA. Then, at the end of the project, the lines are tested once again, and if anything is broken, then the contractor has to repair the lines at their own expense.

**CCO 8: Change A706 to A615 Steel in Wall, No Cost, no time adjustment.**

This CCO allows the contractor to use A615 rebar as vertical steel in the soundwalls at location "B", as well as the horizontal grade beam within a soundwall or retaining wall, but not a soundwall on top of a retaining wall. The contractor has requested this because it is getting increasingly difficult to find A706 steel at this time because of the high demand for this type of steel around the country. This CCO has been approved by the designer and Caltrans Structure Division.

CCO 9: Revise Soundwall NB-8B Profile Grade Line, \$21,250.00, time adjustment of 10 days.

After the existing developer wall was removed adjacent to State Right-of-Way, it was observed that the backyard properties were higher in elevation compared to the State Right-of-Way. The profile grade line (PGL), of the wall had to be revised to accommodate for this change in elevation. Because the PGL was higher, some of the retaining wall could be replaced with a CIDH pile system, which is cheaper to construct. However, when we include the additional costs to import material to raise the profile grade, and impacts due to this change, the net result is a cost of \$21,250.00.

CCO 10: Remove Guard Rail at SB-2A, EWFA, \$10,000, no adjustment to time.

During the review of a Request for Information (RFI) submitted by the contractor, it was observed that the existing bridge approach guard rail is in the way of the soundwall. The plans did not show that this guard rail was supposed to be removed. This CCO reimburses the contractor by removing the existing rail and its' concrete base up to the planned end of the wall, where the remaining guard rail will be connected to the blunt-end of the new wall.

CCO 11: Additional Clear and Grub at SB-3, EWFA, \$20,000, no adjustment to time.

The plans show a 3-meter maintenance road behind the new soundwall. However, the plans do not call for any removal of plants in this area. In addition, the contractor will have to provide their own clearing and grubbing for the installation of the shoring required for this wall. This CCO would compensate for the additional plants to be removed for the maintenance road only. All plants that are affected are within State R/W behind State R/W fence.

CCO 12: Pothole Utilities at SB-2 Extension, EWFA, \$10,000, no adjustment to time.

For the soundwall extension next to SB-2B, there are some water, storm, gas and phone lines near the pile cap and piles of the proposed soundwall extension. This change order pays to locate these lines and survey them as needed for the designer to determine pile spacing and proper clearances.

CCO 13: Additional Temporary Fence – Contract Items 5 & 21, ITEM, \$45,053.00, no adjustment to time.

This CCO pays for the additional removal of R/W fence and the installation of temporary fence along SB-4B & SB-5 as requested by Caltrans, and for temporary fence along SB-1 not incorporated in the contract plans. Because these items are well over 125% of the Engineer's Estimate, these items will have to be adjusted.

CCO 14: Additional Work at Homeowner's Properties, EWFA, \$20,000, no adjustment to time.

This CCO pays for the additional removal of trees within the TCE area at the request of the homeowner. It is best to remove the trees at this time before the block wall is constructed, where removal of any vegetation would be difficult.

CCO 15: Pothole 4" Gas Line at SB-2B, EWFA, \$5,000, no adjustment to time.

After USA came out to the jobsite, a 4" gas line was found to be underneath the south-end of the SB-2B pile cap that was not shown in the plans. This CCO reimburses for the potholing of this gas line to make sure that the proposed piles will have proper clearance. The 4" gas line also crosses the proposed SB-2 Extension, for the line crosses where both walls overlap. This CCO pays only for the portion which is affected by Soundwall SB-2B. The gas line underneath the proposed extension is covered under a separate change order.

CCO 16: Replace Olive Trees, EWFA, \$24,338.25, no adjustment to time.

Nine (9) olive trees were removed that were located within State Right-of-Way, but outside the R/W fence along Soundwall NB-14A. This change order pays for the replacement of the nine olive trees and time for plant establishment.

CCO 17: Construct Temporary Culvert along SB-3, EWLS, \$2,955.96, no adjustment in time.

A temporary pipe is needed to connect the existing inlet along the ramp to the open culvert next to the State R/W fence. This change order splits the cost with the contractor to install this pipe.

CCO 18: Remove Existing Block Wall at NB-8B, ITEM-EWFA, \$2,800.00 (credit), no adjustment to time.

One of the homeowners that had the existing masonry block wall remain in place agreed to have their wall removed and have a temporary plywood fence be installed. This will save in the installation of two CIDH piles for the existing wall tie-in. The credit is estimated at about \$2,800.00.

CCO 19: Shut-down Power Lines at SB-4B, EWFA, \$6,133.38, no adjustment to time.

This CCO reimburses the contractor to shut-down the high-voltage power lines adjacent to the retaining wall portion of SB-4B. The plans do not clearly show that the lines are in conflict with using a crane to install the retaining wall. This CCO pays for the shutting-down of the lines for three days. After further review, the contractor constructed the remainder of this wall using forms placed by hand in lieu of a crane, so the need to shut-down the lines in the future will not be needed.

CCO 20: Additional Electrical Work, EWFA, \$3,000.00, no adjustment to time.

An electrical pull-box that we are required to tie-into near SB-3 was never installed as shown in the plans. The contractor will have to install a pull box so they can shut-down and restart the electroliers in this area when the soundwall is complete. This CCO is set up to cover small incidental electrical issues as well.

CCO 21: Construct SB-4B Retaining Wall using Hand-Method, EWLS, \$48,088.92, no adjustment in time.

The high voltage lines outside State Right-Of-Way are too close to the retaining wall alignment and have to be de-energized whenever they use a crane or pump within 10-feet of the high voltage lines. The poles are outside State Right-of-Way, and could not be see due to the heavy brush during bid-time. The lines on the poles are also lower than normal utility lines. In lieu of de-energizing the lines, the contractor will construct the retaining wall using smaller forms which can be moved by hand in lieu of using a crane. Thus, they will not have to shut-down the power lines to the local residents. Overall, this is cheaper than having to shut-down the lines for about 20 days causing an inconvenience to the local residents and the cost for inefficiencies by having the contractor work through 6-hour windows while the power is off.

CCO 22: Pothole at SB-1, EWFA, \$6,000.00, no adjustment to time.

The contractor had to pothole an existing City of Milpitas water line before they drill any CIDH piles in the area. The contractor dug for the pipe based upon the city's markings, and it could not be located. Further investigations by the City of Milpitas found that the water line had been moved, but not reflected in their as built plans. This CCO reimburses the contractor for the additional digging required to find the water line.

CCO 23: Soundwall SB-2 Extension, ITEM-LS-EWFA, \$632,558.53, time adjustment +24 working days.

This change order fills-in the gap between SB-2A and SB-2B with another soundwall along the State R/W.

CCO 24: SB-4A Detour, EWFA, \$18,015.65 (yet to be determined), no adjustment to time.

The cost of this CCO still needs to be discussed with ACCMA, but the reason for this CCO was to allow the contractor to move the ramp traffic at the Washington SB off-ramp, over slightly to give room for the contractor to construct the wall during the day instead of at night. The "potential" split of some of the cost would be to help mitigate this issue, and the cost would be to pay for a portion of the AC deep-lift shoulder.



CCO 25: Vargas Stockpile Site, \$ No Cost, no adjustment to time.

This CCO allows the contractor to use the SB I-680 off-loop at Vargas as a temporary stockpile site for the retaining wall excavation from NB-14B. The CCO ties the contractor into having to restore the area to its' original condition when they are finished using the area.

CCO 26: Wood Chipping Site, \$ No Cost, no adjustment to time.

This change order allows the contractor to use a clearing located northbound I-680 (east side), between the Auto Mall and Washington Interchanges for use as a temporary stockpile location to chip the clearing and grubbing debris that is generated from this project. This CCO ties the contractor into restoring the area when finished, similar to CCO #25.

CCO 27: PCC Crushing Site, \$ No Cost, no adjustment to time.

This change order allows the contractor to use a clearing located southbound I-680 (west side), between the Washington and Auto Mall Interchanges for use as a temporary stockpile location for the wall removal debris that is generated from this project. This CCO ties the contractor into restoring the area when finished, similar to CCO #25 & 26.

CCO 28: Extend Grade Beam at SB-3, \$5,000.00 (Yet to be determined), (Time adjustment to be determined).

The San Francisco Water Department has requested that the grade beam that extends over the Hetch-Hetchy water lines be extended to account for a larger "future" pipe to be installed at some future date. We are currently requesting for this change in writing from the SFWD, which is expected to consist of extending one end of the grade beam about 48 inches.

CCO 29: Fire Hose Openings, EWLS, \$3,726.00, no time extension.

The City of Fremont (through Caltrans) has requested that some fire hose openings be installed along some of the walls so they can get a fire hose through the wall to a major fire on the freeway. The hose openings are positioned to be in alignment with a fire hydrant located on the adjacent street. The designer is reviewing old as-builts at this time to come up with some plans for this project.

CCO 30: Wire Size Change for 400MM CIDH Cages, \$43,267.35, no time extension.

An RFI from the contractor asked about the size of wire to be used for the construction of the 400 mm CIDH piles. When the designer stated that a larger wire gauge would be needed (larger than what was shown in the plans), the contractor submitted a price for the difference in the size of wire. This change order pays for this difference. The tentative agreement for the cost of the change order is \$43,267.00, which includes all markups

CCO 31: Repair Hetch-Hetch Pipe Casing, EWLS \$2,457.17, no time extension.

During the installation of the temporary shoring at SB-3, the contractor damaged the top of a casing for a future pipe within the Hetch-Hetchy alignment that was not shown in the plans. This change order pays for the repair of the pipe which consists of placing/sealing a top portion of the pipe and backfilling with slurry.

CCO 32: Adjust K-rail along NB-8A, EWLS \$5,798.23, no time extension.

It was observed that the cross-sections in the plans do not show the edge of shoulder correctly along NB-8A. Field observations showed that the AC shoulder is within the open-cut area for the retaining walls, of where the cross-sections show that the shoulder is not in the area to be excavated. This change order pays for pushing the k-rail out to just behind the white stripe of the ramp to allow the contractor room to saw-cut the AC dike and open-cut the retaining wall as initially planned.

CCO 33: Increase the Number of SWPPP Temporary Construction Entrances, ITEM, \$21,000.00, no time extension.

The contract only shows 7 entrances on the plans. However, each soundwall needs two entrances (one entrance, one exit) due to the access limitations on the project. This change order increases the amount of entrances as needed to construct the project. However, this is an increase in contract item, and the increase is 100% more than the original bid item. Therefore, this item is subject to adjustment. In general, any items that have to be subject to adjustment for going over, will usually have a reduced item cost after a bid analysis is performed.

CCO 34: Modify Drainage at NB-14A, EWFA, \$14,000.00, no time extension.

The drainage revision along the pile cap at NB-14A will have to be revised to take care of the water from the residents' backyards. Currently, the water collects next to the wall, then drains out where the access gate opening is located. Last week, the water collected and drained over the access road down the slope, thus eroding the slope. RGW has placed temporary measures in effect until a permanent solution can be determined. The designer has designed a solution for this issue, which is currently being review by Caltrans. It consists of placing a concrete gutter along the wall with weep holes in the wall, and draining the gutter to a new inlet that connects to an existing OMP.

CCO 35: Backfill Homeowner's Properties, EWFA, \$30,000.00, no time extension.

During construction of these walls, it was observed that the existing grade along the resident's properties is higher than that shown in the typical sections. The grades along the resident's properties vary from 6 inches to 2 feet of fill needed for their property to match the backyard elevations. This change order compensates the contractor at various locations along these walls for the additional backyard fill over what was originally called for in the contract plans.

CCO 36: Install crane pads at NB-8A, EWLS, \$7,000.00, time deferred.

After review of the critical path method (CPM) schedule, it was observed that the Contractor needs to continue work on the retaining wall footing and walls at NB-8A for the project to stay on schedule. The alumna forms that are to be used for the construction of the walls will also be used for the wall forms at SB-3. However, the forms at SB-3 have to be broken-down and modified since that wall will only need one-side of the formwork. SB-3 falls onto the critical path for the project, and further delay of the formwork at NB-8A will cause the activities at SB-3 to fall behind. In addition, the block at the south-end of NB-8B cannot be installed until the barrier is completed at this location. This is where the NB-8A and NB-8B walls overlap. Because of the closeness of these two soundwalls, the Contractor cannot backfill the retaining wall at the south-end of NB-8B until the footing and wall is completed at the north-end of NB-8A. Therefore, the installation of crane pads for road stabilization will help keep NB-8A, NB-8B and SB-3 on schedule through the rainy season.

CCO 37: Revise Piles over ACWD Water Line along SB-4B, EWLS, \$Obtaining costs, no time extension.

While potholing the 48" ACWD water line along SB-4B, it was observed that it was not at the location it was shown in the plans. Because the water line was not underneath the planned spread footing, but under the pile section of the wall, a grade beam was designed to span-over the water line crossing. This would require a 20-foot long grade beam with 610 mm piles. In addition, the piles adjacent to the new grade beam also had to be revised. Currently, we are obtaining the additional costs from the contractor. However, preliminary estimates show that it may be in the \$20K range.

CCO 38: Minor Drainage Modifications, EWFA, \$5,000.00, no time extension.

During the construction of the drainage inlets, sometimes minor modifications need to be made to meet the field conditions for proper drainage of the systems. For example, at Drainage System 6, it was observed that another drainage pipe ties into the system that was not shown in the plans. The contractor will have to form this pipe into the new drainage inlet. The contractor needs to be reimbursed for additional costs due to minor drainage changes like this. This change order only covers minor changes that do not affect the controlling operation, or when there is a large unforeseen change to the plans. That would require separate change orders for those cases.

CCO 39: Modify Stirrups for Type 32 Light Standard in Barrier, EWLS, \$5,000.00, no time extension.

During the construction of the barrier at NB-14B, it was observed that the stirrups called for in the plans as reinforcing steel to go around the anchor bolts for the Type 32 electroliers, did not have the internal spacing needed to clear the bolts. This change order compensates the contractor to fabricate new stirrups that will correctly form around the anchor bolts, and will reimburse the contractor for additional forming costs as well due to this change.

### **Schedule Status**

The Notice to Proceed letter was submitted (hand-delivered) to the contractor on April 13, 2004. This calculates to a first working-day start-date of April 28, 2004. At 240 working days, this calculates to an estimated completion date of April 12, 2005.

### **Contract Schedule as of June 30, 2005**

Notice of Award to RGW/Focus	3/12/2004
Notice to Proceed Letter	4/13/2004
First Working Day	4/28/2004
Contract Working Days (Base)	240
CCO Days	10
Other Days	8
Other Days – Milpitas Extensin	24
Weather Non-Working Days	53
Revised Working Days of Contract	282
Working Days to Date	229 (81% of time)
Amount of Working Days Remaining	53
Extended Date of Completion (estimated)*	August 25, 2005

*\* To date, the masonry subcontractor has not provided the two-crews that were planned on the project. The failure to provide a second crew could cause the project to go into liquidated damages and delay the actual completion to mid-September.*

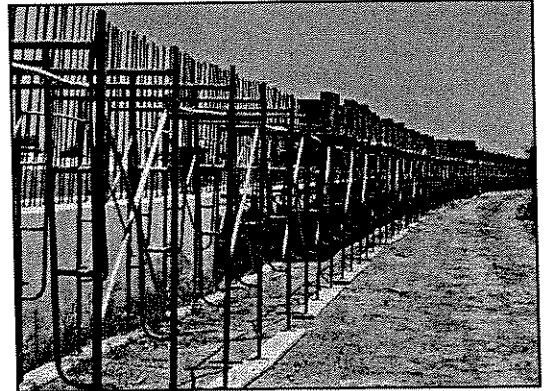
### ***Masonry Block***

The contractor has completed installation of block at SB-2B, SB-5 and most of NB-8B. They are currently completing SB-1 and getting ready to go to SB-2A and SB-2B Extension.

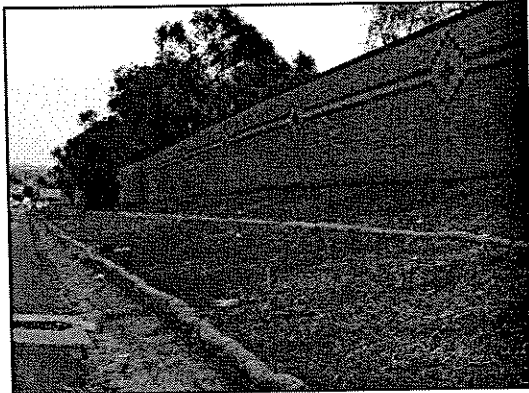
Soundwall SB-1 (in progress)



Soundwall SB-2A (in progress)



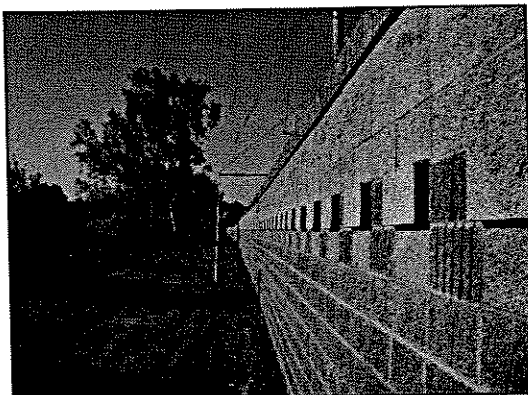
Soundwall SB-2B (complete)



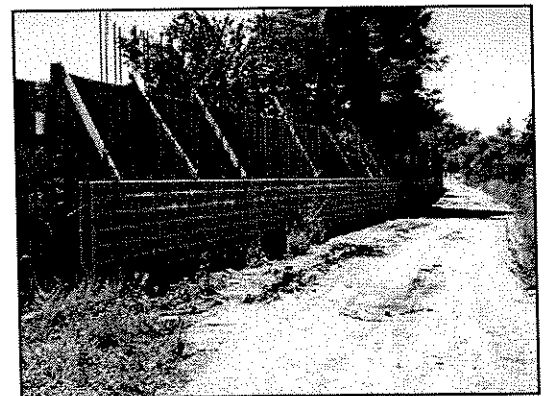
Soundwall NB-8B (in progress)



Soundwall SB-5 (complete)



Soundwall SB-14A (in progress)



### ***Retaining Walls***

The contractor has completed the retaining wall system located along NB-14B and has completed the drainage on the freeway-side of the wall.

Soundwall NB-4A retaining wall is ready for barrier, and as soon as the piles are complete, the area will be ready for the barrier steel.

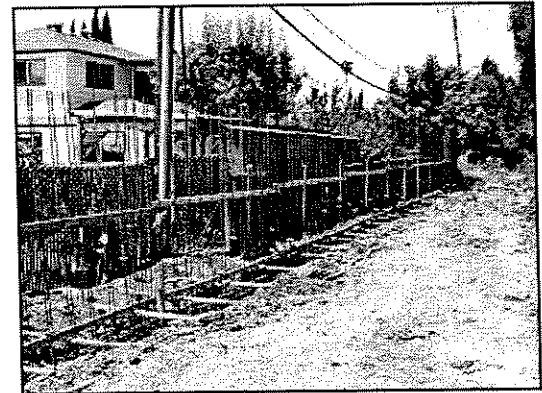
Soundwall NB-4A (in progress)

Soundwall NB-8A (in progress)



### ***SB-2B Soundwall Extension***

The change order to perform this work has been signed and agreed to by all parties. The cost with the contractor comes to a total of \$523,455.31 to perform this work. To date, the area has been cleared of vegetation, the CIDH piles have been drilled and poured and the pile cap has been completed in-place. Within the next two weeks, the contractor will start to install masonry block at this location.



### **Construction Easements with Homeowners**

#### ***Fremont***

All temporary construction easements (TCE's) have now been installed within the homeowners' property along NB-8, SB-4B and SB-5. At any time, the area along the back of SB-5 should be accepted as complete, for the fences of the residents have already been extended to the soundwall. NB-8B fence extensions should start in a couple weeks, once the contractor performs some minor grading along the TCE areas and the masonry block has been cleaned of excess mortar.

#### ***Milpitas***

The temporary fence has been installed along SB-1, and has had no complaints to the best of our knowledge. The homeowners have our direct phone numbers in case they have a question or complaint.

## **Outstanding Issues / Disputes / Claims**

During the construction phase of the project, a contractor may feel that they should be compensated for some work that the Owner feels has already been accounted for in the various items of work. When there is a dispute like this, or at a time when not all of the information for a potential CCO is not available, the contractor is required to submit a notice of potential claim to identify the issue and protect their rights contractually.

### **Notice of Potential Claim No. 1; Removal of Clearing Stockpile; \$100,000.00 claim**

On 8/11/2004, we received our first Notice of Potential Claim (NOPC) on the project. It involves having the Clearing and Grubbing subcontractor remove the vegetation stockpile off the project. Caltrans had stated that they do not want the chippings spread around the project, and they must be removed from the project. The contractor has not provided any costs to date to substantiate their claim.

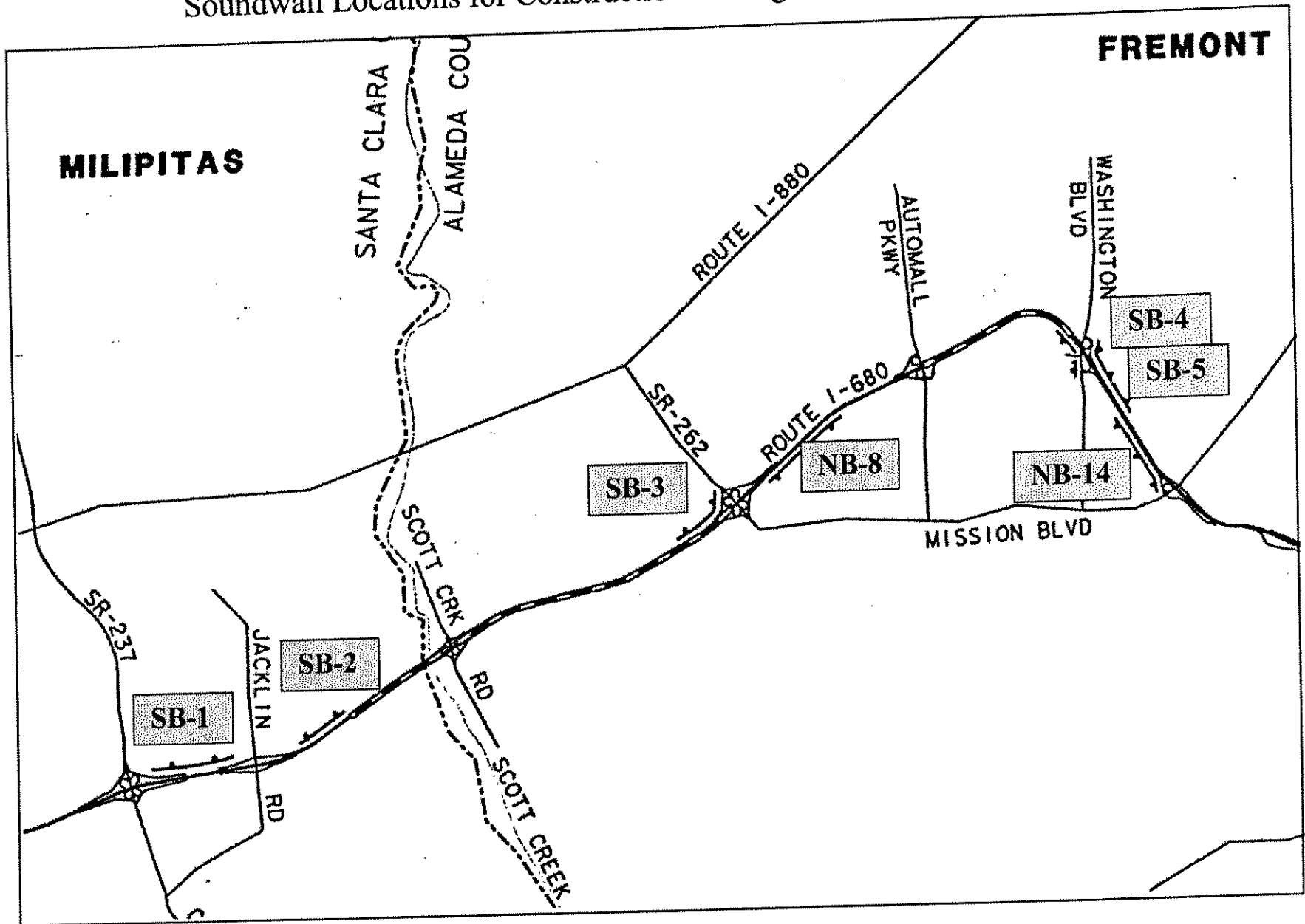
January Update: Preliminary discussions with RGW and Soils Enterprises shows that Soils is willing to drop this NOPC.

## **Disputes**

We are in dispute with the Clearing and Grubbing subcontractor, Soil Enterprises, in relation to some additional clearing work done under Change Order No. 5. The subcontractor wants the \$30K of additional grinding they had to do due to the additional trees they had to remove, for which were not shown in the locations correctly in the plans. We will keep you informed on what occurs on this issue.

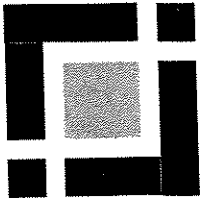
# I-680 Soundwall Project

Soundwall Locations for Construction Package – September 2002





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**Lynn M. Suter**  
and Associates

Government Relations

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Agenda Item 5.1  
July 11, 2005

July 5, 2005

TO: Dennis Fay, Executive Director  
Alameda County Congestion Management Agency

FR: Lynn M. Suter & Associates

RE: Legislative Update

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***More Kabul than Kabuki:*** The Governor's Office keeps raising the bar with new demands making it impossible to reach an agreement. It is nearly to the point where Big Five meetings are counter productive because once one issue is resolved a new one is placed on the table. However, another meeting is scheduled for today at 2:00 p.m. There is some hope that an agreement will be reached by the end of the week, but optimism is in short supply.

While the brief Big Five meetings last week produced a thin ray of hope, the June 30<sup>th</sup> deadline has come and gone. The Governor has backed down from his demand to link the budget to his reform proposals, which has allowed negotiations to continue.

Last week during a futile effort to vote once again on a budget before the June 30 deadline, the Assembly Speaker interrupted the Floor debate for an impromptu Big Five meeting, only to return 30 minutes later to adjourn the Assembly for the long holiday weekend. Many members quickly flew off to L.A. for Mayor Villaraigosa's inaugural festivities.

The Senate convened later in the day and without quickly retreated to caucus until 8:00 p.m. They emerged put up a party line vote, and retreated back to caucus. As the clock neared midnight the Senate took a page from the Assembly's playbook and nearly every Senate Dem made a speech in favor of the budget. The comments generally scolded the Governor for leaving town, and reprimanded Assembly members for placing a party ahead of the budget. None of the Floor speeches changed any minds and at midnight the budget failed, again.

***Pretty Price for a Pretty Bridge:*** The Governor and Senate President Pro Tem Perata jointly issued a press release announcing that a Bay Bridge funding deal has finally been reached—one that is not much different from an agreement that could have been consummated months ago. Along with Senator Perata, Senator Torlakson was a key negotiator in the effort to find compromise. The agreement must be amended into legislation and approved by the Legislature.

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**The Deal:** In summary, bridge tolls will increase by \$1 on January 1, 2007, which would generate \$2.1 billion. The State will contribute \$630 million to complete the Self-Anchored Suspension Bridge design. The agreement would also transfer control of all tolls to the Bay Area Toll Authority (BATA). Consolidating the toll revenue would allow BATA to refinance existing debt to generate an additional \$800 million. Future cost overruns would be the Bay Area's responsibility.

The state's contribution of \$630 million consists of \$300 million currently identified for demolishing the old Bay Bridge. The source for the remaining \$330 million will consist of diverting a portion of the \$250 million in Caltrans operational savings identified in the proposed 2005-06 budget, a one-time contribution from the Motor Vehicle Account, and potentially diverting 2006-07 spillover funds if available.

**More to come:** The agreement between Bay Area Senators and the Governor is not necessarily a slam dunk in the legislature. Terms of the accord will likely be amended into SB 172, and must be passed by the legislature and signed by the Governor. Southern California representatives in both parties will have points to make as the debate enters the legislative arena. Additional details will be sent as they become available. If you have any questions or need additional information, please give us a call.

**Transportation Budget:** While negotiations continue, the transportation budget is, so far, complete. The following is a summary of the main transportation funding elements.

**Prop 42:** Prop 42 is funded at \$1.313 billion. The funds would be allocated pursuant to the statutory formula that splits the revenue as follows:

- \$678 million is allocated to Traffic Congestion Relief Program project,
- \$254 million to STIP projects,
- \$254 million is split between cities and counties for local street and road maintenance (Alameda County will receive approximately \$4.2 million and each city will receive approximately \$4.38 per capita), and
- \$127 million to the Public Transportation Account (PTA) where half is deposited into the State Transit Assistance account.

**Caltrans Savings:** Operational savings within Caltrans will allow an additional \$51.6 million to be dedicated to capital projects. Over the course of the 2006 STIP cycle, these savings will provide \$250 million in added programming capacity.

**Tribal Gaming Bonds:** The value of the tribal gaming bond is reduced by \$200 million to \$1 billion. Unfortunately, a new lawsuit filed by the Commerce Casino, a card club in Southern California, will likely postpone the receipt of these funds for another year. The money is slated to repay various transportation accounts.

**PTA Spillover:** The Budget retains in the general fund \$380 million in spill over funds. Spill over funds occur when gasoline sales tax revenue exceeds the revenue generated from a quarter percent of all taxable sales. This revenue is normally placed in the Public Transportation Account (PTA) where it is used by public transit operators to offset spikes in fuel costs. Attempts were made to divert part of this money to State Transit Assistance, but with Prop 42 pushing STA revenue over \$200 million it was impossible gain traction.

**State Transit Assistance (STA):** STA is funded at \$202.3 million for 2005-06. This includes the base formula allocation of \$137.3 million and \$65 million provided by funding Proposition 42. The MTC region will receive approximately \$73 million in STA funds in 2005-06 of which AC Transit is in line for about \$7 million.

## LEGISLATION

Bill	Topic	Status	Client-Position
AB 267 (Daucher) A-06/01/2005	Transportation projects.	06/15/2005-Referred to Com. on T. & H. (06/15/2005-S T. & H.)	ACTA-Watch CMA-Watch
	<p>NOTE: This bill would eliminate the 12-month time limit on CTC reimbursements to local and regional transportation agencies that spend their own funds in anticipation of a STIP allocation.</p> <p>The purpose of this bill is to provide local and regional transportation agencies more certainty when spending their own funds to advance a STIP project that the CTC will reimburse them for those costs. The current one-year limit on the CTC's requirement to reimburse a local or regional agency could mean that the agency would never be reimbursed, especially in times of scarce STIP funding resources. The elimination of the time limit could encourage more local and regional agencies to spend their own funds on a project.</p>		
AB 462 (Tran) A-06/09/2005	Disability access.	06/22/2005-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 9. Noes 1.). (06/22/2005-S APPR.)	ACTA-Watch CMA-Watch
	NOTE: AB 462 would transfer from the Department of General Services (DGS) to Caltrans, the requirement to certify that state highway system projects comply with the intent of state provisions		

	<p>ensuring access and use by persons with disabilities.</p> <p>This bill codifies a recently-expired interagency agreement between Caltrans and the DGS that allowed Caltrans to certify that state highway projects complied with state law mandated access and use, by disabled persons, of state and locally-funded facilities.</p>		
AB 691 (Hancock) A-05/31/2005	Transit village plans.	06/16/2005-Read second time. To third reading. (06/16/2005-S THIRD READING)	ACTA-Support CMA-Watch
	<p>NOTE: This measure was approved by the Senate Local Government Committee, and it is currently on the Senate Third Reading File.</p> <p>AB 691 would authorize a city or county to declare that a previously adopted specific plan or redevelopment plan is also a transit village plan if the city or county adopts findings prior to December 31, 2006 stating it conforms to the definition of a transit village. The bill was amended to require the city or county to publish a notice of the time, date, and place of the public meeting if an existing plan will become a transit village plan.</p>		
AB 1157 (Frommer) A-04/11/2005	State highways: performance measures.	06/22/2005-In committee: Hearing postponed by committee. (Refers to 6/13/2005 hearing) (06/09/2005-S T. & H.)	ACTA-Watch CMA-Watch
	<p>NOTE: AB 1157 would require Caltrans to develop performance measures for the purpose of evaluating and rating the overall quality of the state highway system. These measures would be used to develop an annual report on the quality of the state highway system that would examine how resource, staffing, and programming decisions impact the overall condition of the state highway system.</p>		
AB 1462 (Torrico) A-04/14/2005	State Highway Route 84.	06/08/2005-From committee: Do pass, and re-refer to Com.	ACTA-Sponsor CMA-Support

		on APPR. with recommendation: To Consent Calendar. Re-referred. (Ayes 14. Noes 0.). (06/08/2005-S APPR.)	
	<p>NOTE: AB 1462 was unanimously approved by the Senate Committee on Transportation and will be heard next week by the Senate Appropriations Committee.</p> <p>AB 1462 would allow the Cities of Fremont and Union City and the transportation planning agency to prepare and submit to the CTC for approval a local alternative transportation program for Route 84. This would allow the proceeds from the sale of excess right-of-way from the Route 84 project to be programmed to other transportation projects in Alameda County</p>		
AB 1623 (Klehs) A-06/13/2005	County transportation agencies: congestion management and environmental mitigation fee.	06/21/2005-Do pass as amended, and re-refer to the Committee on Appropriations. (06/21/2005-S APPR.)	ACTA-Support CMA-Sponsor
	<p>NOTE: AB 1623 was approved by the Senate Committee on Transportation &amp; Housing and now moves the Senate Appropriations Committee.</p> <p>Recently, Caltrans has taken an official oppose position on all fee bills. While we have not received an opposition letter yet, Caltrans did testify in opposition to SB 680, which would allow VTA to impose a \$7 registration fee. The Department's argument is not a strong one. Caltrans claims that the fees are not necessary given the full funding of Prop 42. Apparently, Caltrans was pressured to oppose these bills by the Governor's office.</p> <p>AB 1623 would authorize the Alameda County Congestion Management Agency and the transportation agencies in Contra Costa, Marin, Napa and Sacramento to impose an annual fee of up to \$5 on motor vehicles registered within each county. The revenue would be used for traffic congestion projects, such as the Smart Corridors Program, and the mitigation of environmental impacts of motor vehicles within that county</p>		

SB 172 (Torlakson) A-05/27/2005	Bay area state-owned toll bridges: financing.	06/13/2005-To Com. on TRANS. (06/13/2005-A TRANS.)	ACTA-Support CMA-Support
	<p>NOTE: SB 172 was approved by the Senate on a vote of 23-15. The bill awaiting a hearing by the Assembly Committee on Transportation.</p> <p>SB 172 would reform the management of the toll bridge seismic retrofit program and would provide funding for identified cost overruns. In summary, this bill specifies that the Toll Bridge Seismic Retrofit Program deficit will be roughly split 50-50 between state sources and toll revenues, transfers administration of all tolls to BATA, allows BATA to increase tolls by \$1 if specified conditions are met, and creates a new oversight committee</p>		
SB 275 (Torlakson) A-06/09/2005	Transportation needs assessment.	06/30/2005-Read second time. Amended. Re-referred to Com. on APPR. (06/30/2005-A APPR.)	ACTA-Support CMA-Support
	<p>NOTE: SB 275 would require the CTC, working with the Caltrans and regional transportation entities, to complete a 10-year transportation needs assessment to the Legislature by October 1, 2006.</p> <p>The needs assessment would examine the unfunded rehabilitation and operations needs for the state highway system, local streets and roads, the intercity rail program, and urban, commuter, and regional transit systems, including ferry systems, over the next 10 years</p>		
SB 521 (Torlakson) A-05/27/2005	Local planning: transit village plans.	06/13/2005-To Coms. on H. & C.D. and L. GOV. (06/13/2005-A H. & C.D.)	ACTA-Watch CMA-Watch
	<p>NOTE: SB 521 was approved by the Senate, and has been referred to two policy committees in the Assembly. This bill will likely become a two-year bill.</p> <p>SB 521 would allow a city or county to create a transit village redevelopment area surrounding a rail transit station. The number of transit village redevelopment areas would be limited to 25 statewide. The bill also adds to the definition of blight to include</p>		

the lack of high density development within the transit village area.			
SB 523 (Torlakson) A-04/07/2005	Bicycle Transportation Account: funding.	06/29/2005-Placed on APPR. suspense file. (06/29/2005-A APPR. SUSPENSE FILE)	ACTA-Support CMA-Watch
NOTE: SB 523 deletes a provision from existing law that would, in effect, reduce the amount of gasoline excise tax funds transferred each month to the BTA from \$600,000 to \$416,667 after June 30, 2006. This would maintain the current level of funding for this program.			
SB 1024 (Perata) A-05/12/2005	Public works and improvements: bond measure.	05/27/2005-From committee: Do pass. (Ayes 8. Noes 5. Page 1306.) Read second time. To third reading. (05/27/2005- S THIRD READING)	ACTA-Support CMA-Support In Concept
<p>NOTE: SB 1024 is currently on the Senate Floor. Because this bill contains an "urgency" clause it is exempt from the June 3, House of Origin deadline.</p> <p>SB 1024 would enact the "Safe Facilities, Improved Mobility and Clean Air Act of 2005. This Act would place a \$7.7 billion bond measure on the ballot to fund the Bay Bridge shortfall, repay existing Prop 42 loans, and other infrastructure projects.</p> <p>No agreements have been reached, nor have deals been cut with this proposal. Negotiations continue on financing the bridge, as well as the contents of an infrastructure bond. With Speaker Nunez proposing an unspecified \$10 billion bond proposal, it is likely that SB 1024 will expand beyond \$7.7 billion. Other possible changes include establishing a north-south split for some of the funding programs.</p>			



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# Copeland Lowery Jacquez Denton & White LLC

Specializing in Government Relations

## MEMORANDUM

**TO:** Dennis Fay, Jean Hart and Frank Furger  
ACCMA

**FROM:** Jim Copeland & Emily Bacque  
Copeland Lowery Jacquez Denton & White

**RE:** Washington, D.C. Update

**DATE:** July 1, 2005

### Surface Transportation Reauthorization (H.R. 3)

On Thursday, June 30, both the House & Senate approved an eighth extension of the Transportation Reauthorization Bill to give conferees additional time to reach final agreement on the surface transportation law. This clean extension, which ensures that federal workers receive their salaries on time and that states will continue to receive federal transportation aid, will expire on July 19. The extension will give conferees less than two weeks to complete a final bill when they return from the July 4 recess.

On Friday, June 24, the conferees announced they reached a deal on the overall funding level at \$286.5 billion over six years. The agreement represents a significant retreat from the \$295 billion previously approved by the Senate, but it still exceeds the \$283.9 billion limit set by the White House and approved by the House. President Bush has said he would veto any package with a higher cost and has not yet said whether he approves of this new compromise-spending total.

The deal also involves having the House and Senate split earmarked projects that do not count toward a state's minimum guaranteed rate of return in highway aid, while giving the Senate as much as 40 percent of those projects that do count toward that rate of return. While this would be a significant increase in the Senate's share of earmarks (in the past they have received 20% of the total earmarks), conferees are still trying to determine what type of projects and other funding would be used to calculate a state's rate of return. Sources familiar with the negotiations have said that conferees have reportedly agreed that the scope, or the percentage of the bill's highway dollars that are divvied up among the states via formula, will be 90.2 percent and that they would hope to increase the rate of return on highway dollars from 90.5 percent in current law to 92 percent by fiscal year 2009.

In addition, Senate conferees held a separate meeting on June 30 to discuss the split between highway and transit funding. They reaffirmed the Senate position that would give transit programs 18.48 percent of total funding. This vote of support for transit funding was considered by staffers to be a preemptive strike before the House makes an offer on transit funding, which conferees believe will be lower than the Senate percentage.

**Washington, D.C. Meetings**

Senator Boxer and Congresswoman Ellen Tauscher were both named as conferees. CLJ scheduled meetings for representatives from ACCMA to discuss additional funding for the I-580 HOV Lane in Livermore Valley as well as funding for the I-680 HOT Lanes with Senator Boxer, Congresswoman Tauscher and Congressman Pombo. The meetings were on Tuesday, June 21, in Washington. The members were receptive to the request for additional funding, but could not make any guarantees. CLJ continues to have discussions with staff of both Senator Boxer and Congresswoman Tauscher.

**FY06 Appropriations**

The House passed its final appropriations bill, (HR 3058) which funds the Transportation, Treasury and Housing and Urban Development departments, the judiciary and the District of Columbia (T/T/HUD) on Thursday, June 30. The House considered a number of amendments, mainly addressing funding for Amtrak, increasing its funding to almost \$1.2 billion. This was a bipartisan rejection of the Bush administration's effort to end the rail passenger service's subsidy.

By boosting the Amtrak funding, the House struck \$37 billion in highway funding, \$7 billion for transit programs, \$3.6 billion in airport improvement grants, \$54 million for the Essential Air Service program and funding for the National Highway Traffic Safety Administration. All of the deleted spending is likely to be restored during a House-Senate conference on the bill later this fall.

Earmarks were not included in the bill, however they will be added once the bill goes to conference. We will continue to monitor and push for ACCMA's priorities in conference and in the Senate bill. The Senate has scheduled markup of its Transportation, Treasury, Housing and Urban Development Appropriations bill for Thursday, July 14.